

COUNTY OF YORK

MEMORANDUM

DATE: May 1, 2006 (BOS Mtg. 5/16/06)

TO: York County Board of Supervisors

FROM: James O. McReynolds, County Administrator

SUBJECT: Application No. UP-687-05, Ralph L. English, Sr.



ISSUE

This application requests a Special Use Permit, pursuant to Section 24.1-306 of the York County Zoning Ordinance (Category 12, No. 19), to authorize an automobile junkyard on approximately 12.49 acres of land located at 2321 Wolf Trap Road (Route 630) approximately 2,350' north of the intersection of Wolf Trap Road and Goodwin Neck Road (Route 173) and further described as Assessor's Parcel Nos. 24-259 and 24-258.

DESCRIPTION

- Property Owner: Ralph L. English, Sr. and Walter Borum Estate (c/o Ralph L. English, Sr.)
- Location: 2321 Wolf Trap Road (Route 630) approximately 570' north of the intersection of Wolf Trap Road and Goodwin Neck Road (Route 173)
- Area: 12.49 acres
- Frontage: Approximately 578 feet on Wolf Trap Road (Route 630)
- Utilities: Public water is available; sanitary sewer is not available
- Topography: Relatively flat
- 2025 Land Use Map Designation: General Industrial
- Zoning Classification: IG – General Industrial
- Existing Development: None
- Surrounding Development:

North: York Industrial Park

East: None (across Wolf Trap Road)

South: None

West: Dominion Virginia Power Ash Disposal Site

- Proposed Development: Automobile graveyard/junkyard

CONSIDERATIONS/CONCLUSIONS

1. The applicant currently owns and operates an existing nonconforming automobile junkyard – English Motors, Ltd. – on approximately 17 acres of land located on the east side of Route 17 in the Tabb area (2312 George Washington Memorial Highway). He has expressed a desire to sell the existing junkyard and relocate the business to industrially zoned property that he owns on Wolf Trap Road.
2. The subject property consists of two contiguous parcels, one of them fronting on Wolf Trap Road (11.37 acres) and the other landlocked (1.12 acre). Both parcels and the entire surrounding area are zoned IG (General Industrial) and are designated General Industrial in the Comprehensive Plan. The nearest residentially zoned property is approximately 550' to the north and is separated from the subject property by an existing industrial park.
3. The applicant's sketch plan depicts a 20,000-square foot warehouse building that includes six bays and a 1,250-square foot office space. A 26-space gravel parking lot is also shown; however, pursuant to the Zoning Ordinance and Chapter 5, Automobile Graveyards and Junkyards, of the County Code, the parking lot must be paved. The fenced salvage yard itself, as depicted on the sketch plan, would occupy an estimated 10-11 acres. No cars or parts may be stored between the fence and the property boundary.
4. Section 24.1-476 of the Zoning Ordinance contains a series of performance standards for automobile graveyards and junkyards that prohibit storage in any required yard or buffer areas and require all storage areas to be effectively screened from view from all public streets and adjacent properties by landscaping supplemented by fencing. In addition, Chapter 5, Automobile Graveyards and Junkyards, of the County Code governs the operation of auto salvage yards in the County and includes additional standards regarding screening, display and storage, ground cover, etc. In accordance with these standards, the applicant's concept plan shows a 6' wooden privacy fence (which the Planning Commission in its recommendation to the Board has recommended be increased to 8') surrounding the proposed salvage yard and set back from the side and rear property lines by twenty feet (20'). Landscape yards will be required along the outside perimeter of the fence and, since most of the site is heavily wooded, it appears that the required planting ratios can be met by preserving existing trees and shrubs.
5. The headwaters of Chisman Creek run generally along the western boundary of the subject property. In accordance with the County's Chesapeake Bay regulations, no land disturbance or development activity can occur on the subject property until the developer has performed a Natural Resources Inventory, including a Perennial Stream Determination. If the stream is determined to be perennial, a 100' Resource Protection Area (RPA) buffer will need to be

maintained landward of the stream and any adjacent wetlands that might be present.

It should be noted that the above-mentioned junkyard standards require that the tanks and engines of vehicles in an automobile graveyard or junkyard be kept thoroughly drained of gasoline and other fluids. In addition, as with all motor vehicle and transportation related uses, the applicant will be required to prepare a hazardous materials management and stormwater runoff control plan detailing the methods to be employed to ensure that no hazardous or petroleum-based products are permitted to infiltrate into groundwater or surface water resources. This plan must be submitted to and approved by the Virginia Department of Health as well as the County Departments of Environmental and Development Services and Fire and Life Safety before the site plan for the junkyard can be approved.

6. The Institute of Transportation Engineers' (ITE) Trip Generation manual (7th edition) does not provide trip generation rates for automobile graveyards. With an estimated 10-20 customers per day and approximately four employees on any one shift, there will not be enough traffic to warrant any turn lanes on Wolf Trap Road at the entrance to the site; however, the applicant will be required to install a commercial entrance in accordance with VDOT standards, and the existing dirt driveway into the site will need to be paved. This segment of Wolf Trap Road has a pavement width of approximately 20 feet. Wolftrap Road was at one time being considered by Dominion Virginia Power as a potential haul route for trucks transporting fly ash from the Dominion Virginia Power-Yorktown Power Station and ash disposal site. However, Dominion Virginia Power has since made the decision that any off-site transport of fly ash will be routed from the haul road to Hornsbyville Road to Goodwin Neck Road and the company is in the process of completing the VDOT-required improvements at the Hornsbyville Road/haul road intersection. Therefore, there should be no fly ash related truck traffic on Wolftrap Road, other than the perpendicular movement across Wolftrap at the haul road intersection. According to the Virginia Department of Transportation (VDOT), the subject section of Wolf Trap Road carries approximately 1,800 vehicles per day (as of 2004, the latest year for which traffic volume data are available).
7. The subject property lies in the conceptual path of the alignment for the Ft. Eustis Boulevard extension that was approved by the Commonwealth Transportation Board. As the Board is aware, primarily because of concerns expressed by the Virginia Department of Rail and Public Transit about the proposed creation of an at-grade railroad crossing, the project was redefined to postpone indefinitely the segment between Old York-Hampton Highway and Goodwin Neck Road, which would have bisected the subject property. While the Comprehensive Plan still calls for the eventual completion of the extension all the way to Goodwin Neck Road, no funding source has been identified and the ultimate alignment and design are unknown. Therefore, it is impossible to predict whether or not the road will eventually run through the property; if it does, the necessary right-of-way will be acquired by VDOT, probably at a lower cost if the property were used as a salvage

yard than if it were developed for some industrial use that involves construction of buildings (since the improvement value and cost of demolition would be lower).

8. As noted above, the applicant has indicated that the proposed junkyard would replace his existing nonconforming junkyard on Route 17, which he plans to sell. Protecting and, where necessary, improving the aesthetic quality of the Route 17 corridor has been a longstanding goal of the County. In recent years the County has undertaken a number of strategies to address this need, including the planting of landscaping in the median and on the road shoulders, establishing the Route 17 Property Improvement Grant Program to make matching funds available to businesses along the corridor to improve their properties, and the creation of two overlay zoning districts for the Route 17 corridor with special standards for new development and incentives to encourage redevelopment of existing business properties.

The junkyards, which occupy a combined total of over 30 acres of land and over 1,200' of frontage along the east side of Route 17 south of Victory Boulevard (of which English Motors represents about 17 acres and 600' of frontage) present a particular challenge. As stated in the Land Use element of the Comprehensive Plan, "Several junkyards along Route 17 in the Tabb area detract from the corridor's overall appearance. Aesthetic improvement or redevelopment of these nonconforming uses ... should be a major objective of the County." The November 2003 report of the Route 17 Revitalization Committee identifies the salvage yards in this area as perhaps "the greatest visual challenge on Route 17." The applicant's proposal to relocate his business to Wolf Trap Road would essentially reduce this "visual challenge" by about 50%, provided that another junkyard does not take its place. Therefore, I have proposed a condition to make approval of this use permit contingent on the prior discontinuance of the applicant's existing junkyard on Route 17. This would be accomplished by requiring the applicant, prior to beginning any land disturbance to create a new junkyard on Wolf Trap Road, to record a deed restriction on his Route 17 property stipulating that it will not be used as an automobile junkyard/graveyard. Such a deed restriction would prevent the applicant or a future purchaser from continuing, after a 6-month transition period, to use the property for a junkyard. This is important because nonconforming uses run with the land and retain their nonconforming status until they have been discontinued for two years; without such a deed restriction, the current or a future owner could establish a new junkyard on the property after the existing junkyard has been relocated as long as he or she did so within two years of the relocation.

PLANNING COMMISSION RECOMMENDATION

The Planning Commission considered this application at its April 12 meeting and conducted a public hearing at which three citizens, two of whom own property adjacent to the proposed junkyard site, spoke in opposition to the application, citing various factors including traffic, potential wetlands impacts, aesthetic concerns, and the possible impact on the desirability of adjacent properties for business development. Following the

public hearing, the Commission voted 7:0 to recommend approval. In so doing, the Commission revised one of the conditions proposed by staff to require the perimeter fence surrounding the salvage yard to be 8 feet in height rather than 6 feet. (For more details, please see the attached excerpts of the Planning Commission meeting.)

COUNTY ADMINISTRATOR RECOMMENDATION

I view this application as an opportunity to relocate an existing nonconforming business to a more appropriate location and in so doing provide an opportunity for redevelopment and revitalization of a highly visible and heavily traveled segment of the County's main commercial corridor. While it would not eliminate all the nonconforming junkyards on Route 17, it would represent a very positive step toward the realization of the County's long-term goals for this area. The proposed site on Wolf Trap Road is in an industrial area with no residential uses nearby, and the junkyard would be properly screened to prevent views of the auto storage area from Wolf Trap Road and surrounding properties. Therefore, based on the considerations and conclusions as noted, I recommend that the Board approve this application subject to the conditions contained in proposed Resolution R06-67.

The proposed conditions of approval differ from those recommended by the Planning Commission in a few respects. First, I am recommending that the privacy fence be a minimum of 6' high, rather than 8' as recommended by the Commission. While I understand and appreciate the Planning Commission's rationale in recommending a taller fence, it should be noted that in accordance with the concept plan, the fence would be set back from Wolf Trap Road by at least 200' in a location where the ground elevation is at least four feet (4') above the elevation of the roadway. Consequently, I believe that the objective of screening views of stored vehicles from the right-of-way and adjoining properties can be achieved with the minimum 6-foot fence height supplemented by landscaping requirement initially proposed by staff. However, the Commission's discussion raises concern about the possibility of junk cars being stacked on top of one another, and a condition to prohibit that has been added to the proposed resolution. Absent such a condition, even an eight-foot fence might not have the desired screening effect. Lastly, I am recommending a modification of Condition #4 to allow additional flexibility in the type of fence material, subject to the County's approval at the time of site plan submission, rather than requiring it be constructed of wood.

Carter/3337
Attachments

- Planning Commission minutes excerpts, April 12, 2006
- Zoning Map
- Site Map
- Sketch Plan
- Proposed Resolution R06-67